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6 Attorneys for Plaintiffs
7 VERONICA GUTIERREZ, TIM FOX, ERIN WALKER
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8 all others similarly situated,

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WELLS FARGO & CO.

16
17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19
20 VERONICA GUTIERREZ, TIM FOX,
ERIN WALKER and WILLIAM SMITH,
21 as individuals, and on behalf of all others
similarly situated,

22 Plaintiffs,

23 v.
24

25 WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through
26 125,

27 Defendants.
28

Civil Case No.: C-07-5923 WHA (JCSx)

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER TO REMOVE PLAINTIFF
TIM FOX AS CLASS
REPRESENTATIVE**

Hon. William H. Alsup

Complaint filed: November 21, 2007

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1 WHEREAS, on April 22, 2008, pursuant to the Court's Order Granting Plaintiffs' Motion for
 2 Leave to File a First Amended Complaint, plaintiffs Tim Fox and Veronica Gutierrez were added as
 3 named plaintiffs and putative class representatives in the above entitled action, joining Erin Walker and
 4 William Smith, who were already named plaintiffs.

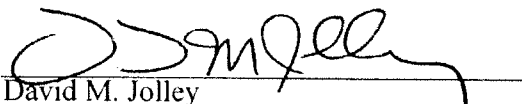
5 WHEREAS, plaintiffs' counsel has represented that Tim Fox is unable to perform as a named
 6 plaintiff and putative class representative at this time.

7 Accordingly, IT IS HEREBY STIPULATED by and between the Parties that, subject to the
 8 Court's approval, Tim Fox be dismissed as a named plaintiff and putative class representative in this
 9 action without prejudice, while retaining any rights he might currently have as a putative class member.

10 DATED: June 23, 2008

COVINGTON & BURLING LLP


11 By:

12 
 13 David M. Jolley
 14 Attorneys for Defendants

15 DATED: June 23, 2008

McCUNE & WRIGHT, LLP

16 By:

17 
 18 Richard D. McCune
 19 Attorneys for Plaintiffs

20
 21 **IT IS SO ORDERED.**

22
 23 DATED: June __, 2008

24 _____
 Hon. William H. Alsup